

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.

PROMESA
Title III

No. 17 BK 3283-LTS
(Jointly Administered)

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE PUERTO RICO HIGHWAYS AND
TRANSPORTATION AUTHORITY,

Debtor.

PROMESA
Title III

No. 17 BK 3567-LTS

**THE PUERTO RICO FISCAL AGENCY AND FINANCIAL ADVISORY
AUTHORITY'S NOTICE OF INTENTION TO CROSS-EXAMINE WITNESSES IN
CONNECTION WITH THE FOURTH AMENDED TITLE III PLAN OF ADJUSTMENT
OF THE PUERTO RICO HIGHWAYS AND TRANSPORTATION AUTHORITY**

To the Honorable United States District Judge Laura Taylor Swain:

The Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF”), pursuant to the *Order Setting Deadline To Provide Notice Of Intention To Cross-Examine Witnesses In Connection With Hearing On Confirmation Of HTA Plan Of Adjustment* (the “Order”) (Case No. 17-03567, ECF No. 1364), hereby provides notice (the “Notice”) of its intent, subject to paragraph 6 herein, to cross-examine David A. Skeel, Jr. and David Brownstein in connection with the Financial Oversight and Management Board for Puerto Rico’s (the “Oversight Board”)’s request

for confirmation of the Puerto Rico Highways and Transportation Authority's ("HTA")'s *Fourth Amended Title III Plan of Adjustment of the Puerto Rico Highways and Transportation Authority* (as have been amended, the "HTA Plan") (Case No. 17-03567, ECF No. 1350).

BACKGROUND

1. On June 22, 2022, the Court entered the *Order Establishing, Among Other Things, Procedures And Deadlines Concerning Objections To Confirmation And Discovery In Connection Therewith* (the "HTA Plan Scheduling Order") directing that the deadline to submit objections to the confirmation of the HTA Plan was July 27, 2022 (the "HTA Plan Objection Deadline"). *See*, HTA Plan Scheduling Order at p. 4.

2. On July 27, 2022, AAFAF timely sought to extend the HTA Plan Objection Deadline to July 28, 2022 (Case No. 17-03567, ECF No. 1297). The Court granted AAFAF's request (Case No. 17-03567, ECF No. 1311) and, on July 28, 2022, AAFAF timely submitted its *Limited Objection To Section 2.4 Of The Third Amended Title III Plan Of Adjustment Of The Puerto Rico Highways And Transportation Authority* (the "Limited Objection") (Case No. 17-03567, ECF No. 1318). As AAFAF noted therein, it has worked with the Oversight Board to reach a consensual resolution of the Limited Objection.

3. On August 8, 2022, the Court entered the Order, directing as follows:

"If any party that has timely filed an objection to or statement in support of confirmation of the HTA Plan wishes to cross-examine any declarant, the Party must file a notice by 10:00 a.m. (Atlantic Standard Time) on August 12, 2022 indicating (a) the witness(es) to be examined, (b) the factual issue(s) to which the proposed cross-examination relates, and (c) the time requested for such examination(s)."

See, Order at p. 2.

4. On July 27, 2022, the Oversight Board submitted its *Final List Of Witnesses To Be Offered In Support Of Confirmation Of Plan Of Adjustment* (the "Final List of Witnesses") wherein

it disclosed that it intended to call, among other individuals, Mr. Skeel and Mr. Brownstein to provide testimony in support of confirmation of the HTA Plan (Case No. 17-03567, ECF No. 1305).

5. In compliance with the Order, through this Notice, AAFAF informs that it reserves the right to cross examine (a) Mr. Skeel and Mr. Brownstein; (b) on topics related to the matters set forth in the Limited Objection regarding consolidation of transportation-related functions among and between HTA and non-debtor governmental entities; and (c) for up to (ten) 10 minutes, respectively for each witness, for a total of up to twenty (20) minutes.

6. Notwithstanding the foregoing, AAFAF represents that it and the Oversight Board continue working closely on an agreement to resolve the Limited Objection. Upon execution of an agreement, AAFAF will withdraw this Notice and the Limited Objection.

WHEREFORE, AAFAF respectfully requests that the Court takes notice of the foregoing.

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Dated: August 12, 2022
San Juan, Puerto Rico

Respectfully submitted,

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